

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13681, of Donnally and Associates, Limited Partnership, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the parking space requirement (Sub-section 7202.1) to use the first and second floors of the subject premises as a public hall, disco and night club in a C-M-2 District at the premises 1225 South Capitol Street, S.E., (Square 700, Lot 14).

HEARING DATE: February 17, 1982
DECISION DATE: March 3, 1982

FINDINGS OF FACT:

1. The subject site is located on the east side of South Capitol Street between M and N Streets and is known as premises 1225 South Capitol Street, S.E. It is in a C-M-2 District.

2. The subject site is rectangular in shape. It measures 151.37 feet in width and 150.67 feet in depth. The site is improved with a two story brick structure. A Certificate of Occupancy dated April 26, 1969 was issued for use of the site as a warehouse, new furniture, first floor and offices on the mezzanine.

3. The applicant's lessee proposes to use the first and second floors of the subject premises as a public hall, disco and night club. It is proposed that 225 and 125 persons will be seated on the first and second floors, respectively.

4. The club will cater to persons twenty-one years of age and older. The sale of food and alcoholic beverages is planned for each level. Live and/or recorded music and live and/or recorded shows are planned for each floor. There will be space provided for dancing on each floor and a game room is planned for the ground level. Admission will be charged. The hours of operation are proposed to be from 5:00 P.M. to 3:00 A.M. seven days per week. The club will be available for rent for business meetings, luncheons, etc. either during regular operating hours or at other prearranged times of the day.

5. The proposed use is a permitted use in a C-M-2 District. The applicant must provide thirty-five off-street parking places. The structure occupies most of the site and

there are no parking spaces available on site. The applicant seeks a variance from the off-street parking requirements of 100 percent.

6. The area is a commercial-manufacturing area. There are few residences. There are gas stations and commercial buildings.

7. There are residential areas just to the west of South Capitol Street. In the subject square block of South Capitol, M, N and Van Streets, there are approximately thirty-six on-street parking spaces at night. There are no commercial parking lots in the immediate area. There are two other similar uses as the proposed one in the adjoining area of the subject site. The area is already congested.

8. No one appeared at the public hearing in support of or opposed to the application.

9. Advisory Neighborhood Commission 2D made no recommendation on the application.

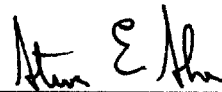
CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find under Paragraph 8207.11 that the application will not be of substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan. The Board concludes that the practical difficulty exists because the subject structure occupies almost the entire site. There is no room for parking spaces. The Board however, notes that a 100 percent variance is requested. The Board is of the opinion that the magnitude of this particular types of variance is too great. Some 350 people attempting to get into thirty-six spaces surrounding the site and then forced into the surrounding streets would cause substantial detriment to the public good and substantially impair the intent and purpose of the zone plan. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 4-0 (Walter B. Lewis, Connie Fortune, William F. McIntosh and Charles R. Norris to DENY; Douglas J. Patton not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: JUN 21 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."